

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF HAWAII

In the Matter of

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate
Proposed Amendments to the Framework for
Integrated Resource Planning.

DOCKET NO. 2009-0108

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**BLUE PLANET FOUNDATION'S PRELIMINARY STATEMENT OF POSITION
AND
CERTIFICATE OF SERVICE**

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BLUE PLANET FOUNDATION'S PRELIMINARY STATEMENT OF POSITION

Blue Planet Foundation ("Blue Planet"), by and through its attorneys Schlack Ito Lockwood Piper & Elkind, hereby submits its Preliminary Statement of Position ("PSOP") in this proceeding as follows.¹

On May 22, 1992, the Commission established a Framework for Integrated Resource Planning ("IRP Framework"). Decision and Order No. 11523 filed March 12, 1992 (Docket No. 6617), as amended by Decision and Order 11630 filed May 22, 1992 (Docket No. 6617). On October 20, 2008, the State of Hawaii, HECO Companies,² and Consumer Advocate³ entered into the Energy Agreement.⁴ Pursuant to section 32 of the Energy Agreement, "Clean Energy Scenario Planning (CESP)," the parties to the Energy Agreement agreed to seek to replace the current Integrated Resource Planning ("IRP") process with a new Clean Energy Scenario Planning Process. *See* Energy Agreement at 36-37. Section 33, "Clean Energy

¹ Blue Planet's PSOP is timely submitted in accordance with the due date of October 2, 2009 established by the Commission's Order Approving the Stipulated Procedural Order, as Modified, filed Sept. 23, 2009. *Id.* at 7.

² Hawaiian Electric Company, Inc.; Maui Electric Company, Limited; and Hawaii Electric Light Company, Inc.

³ State of Hawaii Department of Commerce and Consumer Affairs Division of Consumer Advocacy.

⁴ *Energy Agreement Among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and the Hawaiian Electric Companies* dated Oct. 20, 2008 ("Energy Agreement").

Scenario Plan,” describes sixteen components of a “Clean Energy Scenario Plan.” *Id.* at 37-41. On April 28, 2009, the HECO Companies, Kauai Island Utility Cooperative (“KIUC”), and the Consumer Advocate submitted to the Commission their “Proposed Clean Energy Scenario Planning Framework” (“CESP Framework”).⁵

On May 14, 2009, the Commission issued its Order Initiating Investigation commencing this proceeding (“Order”) to examine proposed amendments to the IRP Framework. *See* Order at 1, 3. On September 23, 2009, the Commission issued its Order Approving the Stipulated Procedural Order, as Modified (“Order”). The Order states that the “starting point” for the issues discussed in this proceeding should be the IRP Framework, rather than the CESP Framework, and sets forth a “Statement of the Issues” consisting of four issues, each of which is discussed in turn.

I. ISSUE 1: “What are the objectives of CESP and how do they differ from the objectives of IRP?”

In response to this issue, Blue Planet offers the following general considerations and specific recommendations that may inform the development of a framework and related processes in this proceeding.

A. The Framework Should Reflect Changes in Hawaii Energy Policy Since the IRP Framework Was Developed in the Early 1990s.

Energy issues in Hawaii have evolved dramatically since the IRP Framework was developed in the early 1990s. At that time, the HECO Companies were largely responsible for the development of new electricity generation sources and for the implementation of demand-side management (“DSM”) programs. Both of these functions have changed in the years following development of the IRP Framework. For example, most new generation resources

⁵ The Proposed CESP Framework is attached as Exhibit 1 to the Commission’s May 14, 2009 Order.

have been developed by independent power producers. Responsibility for DSM has been transferred to an independent third party, the Public Benefits Fee administrator.

To be successful, any framework adopted in this proceeding must accord with what may be described as new phase in Hawaii energy policy. As suggested above, this new phase is characterized by increasing amounts of energy on the electric system from renewable sources developed by independent power producers, as well as less utility involvement in DSM programs. In addition, this new phase is marked by several important new laws and policies intended to promote the rapid adoption of renewable energy and increased energy efficiency. These new laws and policies are exemplified by the Hawaii RPS law,⁶ as amended by Act 155,⁷ and the Hawaii Clean Energy Initiative ("HCEI").

This new phase is further marked by a stated commitment to promoting Hawaii as a leader in the adoption of clean energy. For example, Act 155 establishes the goal of Hawaii serving as a "national model,"⁸ and the Energy Agreement similarly provides that "[s]uccessfully developing Hawaii's energy economy will make the State a global model for achieving a sustainable, clean, flexible, and economically vibrant and independent energy future." *Id.* at 1. As Governor Lingle declared regarding the HCEI, "[o]ur islands' abundant natural sources of energy, combined with the considerable capabilities of the Department of Energy, will help Hawai'i lead America in utilizing clean, renewable energy technologies."⁹

Finally, public awareness and support for ending Hawaii's dependence on imported fossil fuels, which is crucial to achieving Hawaii's ambitious energy policy objectives,

⁶ Haw. Rev. Stat. ch. 269, Part V *et seq.*

⁷ 2009 Haw. Sess. Laws, Act 155; H.B. 1464, 25th Leg. (Haw. 2009) ("Act 155").

⁸ 2009 Haw. Sess. Laws, Act 155 § 1.

⁹ State of Hawaii Office of the Governor, *Hawai'i and U.S. Department of Energy Partner to Make Hawai'i a "World Model" For Clean Energy Economy* (Jan. 28, 2008), available at <http://hawaii.gov/gov/news/releases/2008/hawaii-and-u.s.-department-of-energy-partner-to>.

appear to be steadily increasing. Blue Planet is a Hawaii public interest organization, with over 7,500 registered "Friends of Blue Planet," dedicated to ending Hawaii's dependence on imported fossil fuels by promoting the rapid adoption of renewable energy and increased energy efficiency. Blue Planet's vision is one of diverse interests uniting around a common goal: Hawaii's swift transition to a clean energy economy. The framework adopted in this proceeding must, to the extent possible, encourage and support increased public involvement in and support for Hawaii's transition to a clean energy economy.

B. The Framework Should Focus on Clean Energy Implementation.

The proper focus of any framework adopted in this proceeding should be the direct implementation of Hawaii's clean energy law and policy objectives. At present, Hawaii's energy law and policy objectives are embodied in the Hawaii RPS law, as amended by Act 155, and the Energy Agreement serves as a source of potential energy objectives.¹⁰ These sources provide a relatively clear and straightforward expression of Hawaii's energy objectives: seventy percent clean energy by 2030.

By contrast, the IRP Framework was developed at a time when Hawaii's energy policy objectives may have been less fully developed or embodied in statutory requirements. In addition, knowledge and awareness of the economic and energy security impacts of Hawaii's dependence on imported fossil fuels may have been less widespread, particularly among the public. Although the general direction of increased energy efficiency and renewable energy had been established, the focus was on resource planning more than implementation. In particular, the IRP process was initially intended to adopt DSM and plan for additional generation to supply

¹⁰ Although the Hawaii RPS law as amended by Act 155 may be superseded by subsequent legislation, that law may properly serve as a basis for adoption of a framework in this proceeding. The framework can be established in a manner that accommodates future supplemental and non-conflicting statutory requirements. In the event conflicting statutory requirements are adopted in the future, the framework may be modified accordingly.

growing demand for electricity (although more recent efforts, such as HECO's IRP 4,¹¹ consider large-scale and distributed renewable energy generation, greenhouse gas emissions reduction due to climate change law and policy, and biofuel conversion of existing base load utility generation). IRP has traditionally been employed to assist utilities with planning new resources to serve load growth; the revised framework and processes must necessarily focus on accelerating the retirement of fossil-fuel generation.

Given the relatively clear direction and objectives at present, Blue Planet believes implementation of energy objectives, more than resource planning, is the proper focus of the framework and processes undertaken pursuant to the framework. To reflect this fundamental reorientation, Blue Planet favors the rubric "Clean Energy Implementation Planning" ("CEIP") to describe the framework and related implementation processes and activities.

C. The CEIP Framework Should Draw from the Experience of Independent System Operators.

Consistent with the foregoing, Blue Planet favors a CEIP Framework and processes which are based upon successful elements of the planning process utilized by Independent System Operators ("ISO") working in conjunction with various stakeholders in other parts of the United States. As the name indicates, ISOs typically plan and operate generation and transmission assets of independent power producers, electric utilities and power marketers; they hold no assets and are not-for-profit entities. Due to the increase in electricity generation obtained by the utilities from independent power producers, both fossil and renewable, and their decreasing involvement in energy efficiency programs, it appears the HECO Companies are evolving to function as ISOs, especially insofar as the HECO Companies operate as electricity supply integrators and electric grid operators. To the extent this trend continues,

¹¹ Docket No. 2007-0084.

the CEIP Framework should be established in a manner that seeks to incorporate the beneficial aspects of ISOs and draw from their extensive experience in grid planning and operation. In particular, Blue Planet suggests the CEIP Framework should embrace the fundamental policy of ISOs to employ open, transparent, and stakeholder-driven generation and grid planning processes.¹²

More specifically, the CEIP Framework and processes should seek to incorporate the following planning principles, which are derived from Federal Energy Regulatory Commission mandates to ISOs: (1) openness, i.e., a process that is open to all affected parties; (2) transparency, which requires disclosure to stakeholders of the basic criteria, assumptions and data underlying system planning; (3) information exchange, with stakeholders required to submit information on generation resources for purposes of the planning process; and (4) comparable treatment, with development of a plan that treats similarly-situated stakeholders comparably in system planning, after consideration of data and comments from stakeholders.¹³

It may also be appropriate to consider an Independent Observer ("IO") as an aid to ensure the CEIP Framework and processes are open, transparent, and fair for all stakeholders and affected parties. Vertically integrated utilities are often required to maintain separate generation and transmission activities, and to comply with stringent standards of conduct that require the utilities' grid-related activities to be performed in a non-discriminatory, open and transparent manner. In the absence of similar institutional arrangements and requirements for the HECO Companies, an IO can ensure that stakeholders are fully able to participate in and

¹² It is noted that in Docket 2008-0273 (feed-in tariffs), the Commission has ordered that an independent third party, similar to the Independent Observer in the Commission's Competitive Bidding Framework, oversee the queuing process for feed-in tariff projects. Decision and Order (Docket No. 2008-0273) filed Sept. 25, 2009 at 93. The HECO Companies are also to develop reliability standards for each company which should define most circumstances in which feed-in tariff projects can be incorporated. *Id.* at 50. The development and use of reliability standards in this manner is generally consistent with the role and function of ISOs.

¹³ See Federal Energy Regulatory Comm'n., Order No. 890 at 247-88 (FERC Docket Nos. RM05-25-000 and RM05-17-000) (Feb. 16, 2007).

contribute toward the development of planning assumptions and scenarios, require the HECO Companies and other parties to fully evaluate credible alternative planning scenarios and assumptions, and properly and safely promote transparency with regard to planning assumptions and model outputs, including any that may be subject to protective orders.

D. The CEIP Framework and Processes Should Be Broad and Flexible to Consider Diverse Issues.

Hawaii's energy objectives are far-reaching and transformational. The CEIP Framework and processes must be correspondingly flexible, robust and responsive. For example, the framework and processes should be able to address the interaction between Hawaii's electric system and transportation (including plug-in vehicles and mass transit) and electric pumping of water and wastewater. CEIP must be coordinated with planning for Hawaii's transition to electric vehicles. Concluding that it is "essential for the State to aggressively promote and develop alternatives to fossil fuel modes of transportation," the Hawaii Legislature in 2009 passed Act 156 ("Act 156") to provide sufficient tools to develop an infrastructure for electric vehicles in Hawaii.¹⁴ Act 156 also establishes a Transportation Energy Transformation Grant Fund Program to provide grants for the acquisition of electric vehicles, installation of electric vehicle charging infrastructure, and innovative programs that "diversify transportation energy sources."¹⁵ Similarly, CEIP should be broad and flexible enough to incorporate considerations related to electricity consumption required for municipal pumping of water and wastewater and the potential benefits of coordinated operations.

Electric transmission and distribution systems are expected to require significant review, modification and improvement to achieve Hawaii's energy objectives. The CEIP Framework and processes must facilitate achievement of necessary improvement of these

¹⁴ 2009 Haw. Sess. Laws, Act 156 § 1, S.B. 1202, 25th Leg. (Haw. 2009).

¹⁵ *Id.* at § 7.

systems. Issues related to this effort include distributed generation and storage, plug-in electric vehicles, power quality requirements, the development of a smart grid, bulk power storage, and innovative rate design to discourage peak use and provide customer demand response for ancillary services.

Other policy issues properly addressed by the CEIP Framework and processes include: (1) the relationship between distributed generation and large-scale central station generation, and whether avoided transmission and distribution costs from reduced capital expenditures and system energy losses are offset by the loss of economies of scale; (2) the potential role of imported biofuels and energy security concerns; (3) the determination of capacity values for renewable energy sources and the use of capacity values for supply adequacy planning purposes; (4) whether bulk power and distribution system reliability standards should be modified to facilitate increased intermittent renewable energy sources; and (5) resource loading order protocols.

Finally, the CEIP Framework and processes must be capable of addressing any technical barriers to achieving Hawaii's energy objectives presented by the design and operation of the electric grid. The HECO Companies consistently maintain the grids create technical limits to the amount of renewable energy that can be adopted. The CEIP Framework must provide for a process that directly plans to overcome any such technical limitations. These issues include: (1) design and/or operational modifications at the distribution level that would enable distribution circuit penetration of renewable distributed generation exceeding the current limit of fifteen percent of the circuit peak system demand; (2) the required levels and options to provide ancillary services and bulk power storage to ensure system stability; (3) the role of smart grid and advanced metering infrastructure, including the expected timing of adoption of such

concluded that accelerating the use and development of energy efficiency and renewable energy technologies can contribute to greenhouse gas reduction.²¹

The HCEI and Energy Agreement are potentially important sources of energy policy objectives. The Energy Agreement parties commit to the goal of “70 percent clean, renewable energy for electricity and transportation by 2030[.]” Energy Agreement at 18.²² The State and HECO further declare:

The future of Hawaii requires that we move more decisively and irreversibly away from imported fossil fuel for electricity and transportation and towards indigenously produced renewable energy and an ethic of energy efficiency. The very future of our land, our economy and our quality of life is at risk if we do not make this move and we do so for the future of Hawaii and of the generations to come.

Energy Agreement at 1 (emphasis added).

F. The Framework Should Avoid the Pitfalls and Failures of the IRP Framework.

The past failures of integrated resource planning and the IRP Framework have contributed to the State’s inability to achieve important energy policy objectives, including the rapid adoption of renewable energy. Stakeholders interviewed for the Hawaii Energy Policy Report titled, “Hawaii Energy Utility Regulation and Taxation: Practice, Policy and Incentives for Energy Efficiency, Renewable and Distributed Energy Resources” (“HEPP Report”),²³ expressed “widespread disappointment with the amount of renewable energy resource implementation in Hawaii.” *Id.* at 10. As the HEPP Report explains:

²¹ 2009 Haw. Sess. Laws, Act 155 § 1.

²² See also “Hawaii Powered: Hawaii Clean Energy Initiative” (HCEI goal is “to meet 70% of Hawai’i’s Energy needs with clean energy by 2030”), available at <http://www.hawaiicleanenergyinitiative.org/>.

²³ C. Freedman and J. Lazar, “Hawaii Energy Utility Regulation and Taxation: Practice, Policy and Incentives for Energy Efficiency, Renewable and Distributed Energy Resources: A Report for the Hawaii Energy Policy Project” (July 11, 2003) (“HEPP Report”).

The existing Framework provides criteria and a process that could provide a level playing field for the consideration of energy efficiency, renewable and distributed energy resources. The implementation of the IRP process, however, has not successfully provided the intended fair consideration of all available resources. The PUC has not followed through with implementing the intent of the Framework and has not assertively directed the utilities to meet several crucial requirements specified in the Framework.

Id. at 83 (emphasis added). The CEIP Framework adopted in this proceeding should avoid problems associated with the IRP Framework and should promote the rapid adoption of renewable energy and increased energy efficiency.

This proceeding should likewise ultimately result in a CEIP Framework that is equal to the task of advancing Hawaii's ambitious energy policy objectives. Rather than being viewed as an informational document, the framework and resulting plans must be enforceable and action-forcing to the extent necessary to achieve the State's energy policy objectives.

Although the IRP Framework successfully provided for implementation of DSM programs and greater public access to resource planning information,²⁴ the IRP process in Hawaii is generally regarded as having failed to live up to its potential in part because the IRPs were not rigorously reviewed and enforced by the Commission.²⁵ As explained in the HEPP Report.

²⁴ *Id.* at 86.

²⁵ The HEPP Report further notes that:

The IRP process is certainly the PUC's most explicit expression of energy policy and could, if rigorously implemented, provide a productive venue for implementing Hawaii's energy policies. Unfortunately, the IRP process has not been implemented as diligently as originally intended by the PUC. Several IRP applications filed long ago by the utilities have not even been scheduled for review by the PUC.

Id. at 4 (emphasis added). Similarly,

Several important aspects of the implementation of the IRP process are ineffective because the PUC has not followed through with diligent application of the terms or intent of the IRP Framework. Recent IRP plan applications have not been reviewed by the PUC at all.

Because the IRP process, including the public advisory group process, is controlled entirely by the utilities, it is only in the process of review by the PUC that other parties have an opportunity to express any exceptions they may have with the utility plans. Without active and diligent oversight by the PUC the IRP process has become largely a utility exercise.

HEPP Report at 87 (emphasis added).

Finally, the failures of IRP have resulted in wasted time and expense by the utilities and participating individuals and agencies. HEPP Report at 5, *id.* at 6 (suggesting that if the PUC does not intend to enforce the IRP Framework, IRP should be reduced or abandoned “and the extensive resources now expended on this process should be conserved.”); *id.* at 86 (“IRP is expensive and time consuming[.]”). The framework adopted in this proceeding should be designed to meaningfully and effectively contribute toward meeting Hawaii’s energy policy objectives and should avoid any wasted time and expense by the utilities and participating individuals and agencies.

II. ISSUE 2: “What is the basis for each of the proposed changes to the IRP process, and are these changes reasonable and in the public interest?”

At this time, Blue Planet submits that proposed changes to the IRP process should be made in accordance with the general considerations set forth in its response to Issue 1, above. Blue Planet respectfully states that it intends to further comment on this issue in the course of this proceeding.

III. ISSUE 3: “Whether the proposed changes to the IRP process should include changes to reflect differences between electric cooperatives and investor owned utilities?”

At this time Blue Planet submits that proposed changes to the IRP process should include changes that reflect differences between the two types of utilities, as may be appropriate.

Id. at 87 (emphasis added).

Blue Planet respectfully states that it intends to further comment on this issue in the course of this proceeding.

IV. ISSUE 4: "What should be the role of the state's public benefits fee administrator?"

At this time Blue Planet submits that the role of the Public Benefits Fee Administrator should be determined in accordance with the general considerations set forth in its response to Issue 1, above. Blue Planet respectfully states that it intends to further comment on this issue in the course of this proceeding.

DATED: Honolulu, Hawaii, October 2, 2009



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DOCKET NO. 2008-0108

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate
Implementing a Decoupling Mechanism for
Hawaiian Electric Company, Inc., Hawaii
Electric Light Company, Inc., and Maui
Electric Company, Limited

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date a copy of the foregoing document was
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